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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,523	01/23/2002	Jeffrey Herold	033905-010	4335

7590

03/08/2005

Thelen Reid & Priest LLP
P O Box 640640
San Jose, CA 95164-0640

EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,523

Applicant(s)

HEROLD, JEFFREY

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/24/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The drawings are objected to:

The photographs must be replaced by drawings.

It is unclear where figures 6A and 6B are taken from.

2. Claims 1-20 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-20 of copending Application No. 10/502,516. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

3. Claims 1-3, 12, 17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated DeMichele (6330944). DeMichele teaches a modular golf club and golf accessory bag comprising a chassis, at portion 20, at least one pocket 74, a shoulder strap system (154 - Fig. 23), having closed bottom and open top, and the bag is disposed on the exterior of the bag as claimed.

With respect to the chassis being cylindrical, looking at the mouth in Fig. 1, the chassis in DeMichele is considered cylindrical to the degree the term "cylindrical" is applied broadly in the specification.

Regarding claim 12, the pocket is colored as claimed.

Regarding claim 17, DeMichele teaches a kit of golf bag with components as shown in Fig. 20. It is noted that the pockets inherently have colored surfaces.

4. Claims 1-3, 12-17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (4350194). Brown teaches a modular golf club and golf accessory bag comprising a chassis, at least one pocket 74, a shoulder strap system (col. 8, line 55), having closed bottom and open top, and the bag is disposed on the exterior of the bag as claimed.

Regarding claim 13, portion 66 is the flap as claimed.

Regarding claim 14, note the strip where fasteners 106 attach in Fig. 17.

5. Claims 4-7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Izzo (5038984). Brown meets all claimed limitations except for the strap with a three-point attachment system. Izzo teaches that it is known in the art to provide a strap with three-point attachment system as shown in fig. 2. It would have been obvious to one of ordinary skill in the art to provide a strap with a three-point attachment system in Brown as taught by Izzo to provide an alternative strap for the bag.

Regarding claim 7, note the buckles 160, 180, 152, 172 in Fig. 7B.

Regarding claim 10, Izzo teaches that it is known in the art to provide a back pad 110. It would have been obvious to one of ordinary skill in the art to provide a back pad in Brown as taught by Izzo to carry the bag comfortably.

Regarding claim 11, it would have been obvious to one of ordinary skill in the art to use stud fasteners to provide an alternative fastening means.

6. Claims 4-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of either Maeng (6131783) or Barney et al. (6006974). It would have been obvious to one of ordinary skill in the art to provide the three point strap system in Brown as taught by either Maeng or Barney to provide alternative carrying straps.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Chen (6227503). Brown meets all claimed limitations except for the stand system. Brown meets all claimed limitations except for the removable stand system. Chen teaches that it is known in the art to provide a removable stand system. It would have been obvious to one of

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ordinary skill in the art to provide a stand system in Brown as taught by Chen to permit the standing of the golf bag easily.

8. Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson (5632496). Nelson teaches a kit of golf bag component with a plurality of pockets having exterior surfaces at portion 200 with indicia.

9. Claims 17, 19, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Setani (4249586). Setani teaches a kit of golf bag components including a plurality of pockets inherently having colored surfaces.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over anyone of DeMichele, Brown, or Setani in view of Nelson. Nelson teaches that it is known in the art to provide indicia at portion 200A. It would have been obvious to one of ordinary skill in the art to provide indicia in anyone of DeMichele, Brown, or Setani as taught by Nelson to advertise the event/product easily.

11. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setani in view of Brown. Setani teaches a chassis having at least one attachment facility. Setani meets all claimed limitations except for the pockets being removably affixed. It would have been obvious to one of ordinary skill in the art to provide removable pockets in Setani as taught by Brown to enable one to organize the contents better.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (571)272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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